IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.876 OF 2006

Vijaynagar Coop. Housing
Society Ltd. .. Petitioner

Versus

Anil Yashwant Kulkarni & Anr. .. Respondents

Mr.P.D.Dalvi for petitioner

Mr.P.S.Dani for respondent No.2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st February 2006.

P.C.

. The petitioner is aggrieved by the order passed by Coop.Appellate Court permitting

respondent No.2 herein in putting up construction, subject to outcome of the appeal. This order was passed on Stay Application and according to petitioner society, without affording any opportunity to it of being heard.

2. When this matter was mentioned before me on 15th February 2006, I had directed that it shall be placed for urgent admission on 17th February 2006 and parties to maintain status quo. Parties are indeed maintaining status quo and the photographs produced before me by Mr.Dani show that construction activity is stopped.

3. It is the grievance of Mr.Dani appearing for respondent No.2 that construction activity is only for self-occupation and is an extension of existing structure to accommodate increased family members. Mr.Dalvi on the other hand states that respondent No.2 has not been recognised by petitioner society as a member and,

therefore, cannot put up any construction.

4. In these circumstances, without going into the rival contentions, interest of justice would be served if petition is disposed of by directing lower appellate court to expedite hearing of main appeal. The lower appellate court to endeavour and dispose of the same within three weeks from the date of receipt of this order. The order of status quo passed on 15th February 2006 shall continue during the pendency of appeal. All contentions on merits of both sides are expressly kept open.

(S.C.DHARMADHIKARI, J)